

WEST VIRGINIA -ELECTION CONNECTION-

Your source for Election News from Secretary of State Natalie E. Tennant

Issue 26 – April 3, 2012

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5 Weeks Until the May Primary!

On Tuesday, April 3 there will be exactly 5 weeks until the May Primary!

Voting Instructions For At-Large Delegate to the Republican National Convention

The West Virginia Secretary of State's Office is currently working closely with county clerks, staff at Casto+Harris, and Elections Systems and Software to develop the most effective course of action when it comes to rectifying this situation.

This office held several conference calls with Mason County Clerk Diana Cromley and several other clerks yesterday and will continue to keep everyone informed of the latest developments.

Campaign Finance Reports Due

Campaign Finance Reports are due March 31, 2012 through April 6, 2011. Any candidate with an outstanding balance from an old campaign (2006, 2008, 2010, etc.) must file an Annual Report on all activity since their last report was filed. All candidates for 2012 have to file the Primary-First Report. This report must include any financial activity from the time the person filed as a pre-candidate or candidate through March 30, 2012. Political Action Committees must also file the Primary-First Report on all activity since their last report was filed after the 2011 General Election. If candidates or PACs have had less than \$500 in activity, they can file a Statement of Waiver and defer that reporting to the Pre-Primary Report due in April. More information is below in the "Important Dates" section.

Important Dates Coming Up

- **March 31-April 6:** First Primary Report (or Annual Report)
 - o Primary-First (PACS and 2010 candidate committees)
 - o Annual (for previous candidate committees and open pre-candidates)
 - o (On the last Saturday in March or within six days thereafter before primary election day campaign finance report due) Treasurers, financial agents and individuals making independent expenditures submit reports to the Secretary of State, county clerk, or municipal clerk, determined by which office is sought. A detailed itemized statement is submitted, setting forth all activity from the previous report or organization date, if the total amount of transactions during the reporting period are more than \$500. (§ 3-8-5, 3-8-5(b) CSR 146-3-8)
- **April 3:** (Deadline, depending on date of appointment) Election Officials Respond to Notification from Clerk (Within fourteen days following the date of appointment) When an election official or alternate fails to return the response notice or otherwise confirm to the county clerk his or her agreement to serve within the required time, the position shall be considered vacant and the clerk shall proceed to fill the vacancies. (§ 3-1-30(i))
- **April 9:** Instructional Program for Election Officials (Within thirty days prior to election) Clerk of county commission conducts instructional program using training materials produced by Secretary of State, to all election officials, explaining and illustrating procedures for conducting elections, duties of the various election officials and methods of voting. (§ 3-1-46(c), 3-4-13, 3-4A-14)
- **April 10 (Deadline):** Paper Ballots and Supplies Delivered to County Clerk (Not later than twenty-eight days before the election) All official ballots and voting machine labels shall be delivered to the county clerk of the appropriate county. The number of regular official ballots shall be equal to 80% of the number of active registered voters.
- **April 12-18:** Publish Sample Ballot for Early Voting (Not more than twenty-six nor less than twenty days preceding the primary election) Ballot commissioners publish sample official primary ballot for each party, nonpartisan candidates, and public questions as follows: (1) for counties in which two or more qualified newspapers publish a daily newspaper, publish a Class I-0 legal advertisement in the two qualified daily newspapers of different political parties within the county having the largest circulation; (2) for counties having no more than one daily newspaper, or having only one or more qualified weekly newspapers, publish sample as Class I legal advertisement in qualified newspaper having largest circulation. (§ 3-5-10, 59-3-1 et. seq.)
- **April 17 (Approx):** Publish Notice of Inspection of AutoMark and Ballots for Early Voting (Not later than 3 days prior to the date of inspection. Inspection shall be not less than 5 days prior to election. Clerk of the county commission places a Class I-0 legal advertisement announcing the time and place of inspection of AutoMark. (§3-4A-13)
- **April 17:** Voter Registration Deadline (Voter registration for an election shall close twenty-one days before the election, or on the first day thereafter which is not a Saturday, Sunday or legal holiday) Completed application of eligible

voter for registration, transfer, change of political party or other change submitted by the close of voter registration will be effective for any subsequent election, if:

- received at office of clerk of the county commission, no later than the hour of the close of registration;
- accepted by a designated agency or motor vehicle licensing office no later than the hour of the close of registration;
- accepted through a registration outreach program no later than the close of registration;
- addressed to the appropriate clerk of the county commission and postmarked by the postal service no later than the close of registration.

Voters must change party affiliation on file by close of registration in order to participate in that party's primary election. (§ 3-2-6, 3-2-7)

- **April 18-23:** Notification of Ballots and AutoMark Readiness for Early Voting (Not later than 7 days before early voting) County clerk shall notify the county commission that the ballots and AutoMark are ready for use. (3-4A-13)
- **April 18 (deadline):** Correct Incomplete Applications for Voter Registrations (Within four business days after the close of registration) County clerk may correct applications for voter registration containing incomplete information if applicant provides the required information. (§ 3-2-6(b)(1))
- **April 20:** Public Inspection of Vote Recording Devices and Ballots AutoMark for Early Voting (Five days prior to early voting) County commissioners and ballot commissioners convene to inspect the devices and the ballots to determine if all applicable provisions of law are met. (3-4A-13)
- **April 20 (deadline):** Accept Voter Registration Card by Mail without Postmark (No later than the third day following the close of registration) Last day an application for registration may be accepted if addressed to the appropriate clerk of the county commission and received by mail with the postmark missing or illegible. (§ 3-2-6(b)(2)(A))

Upcoming Presidential Primary Elections and Caucuses

- April 3
 - District of Columbia Primary (19 delegates)
 - Maryland Primary (37)
 - Wisconsin Primary (42)
- April 24
 - Connecticut Primary (28)
 - Delaware Primary (17)
 - New York Primary (95)
 - Pennsylvania Primary (72)
 - Rhode Island Primary (19)
- May 8
 - Indiana Primary (46)
 - North Carolina Primary (55)
 - West Virginia Primary (31)

- May 15
 - o Nebraska Primary (35)
 - o Oregon Primary (28)
- May 22
 - o Arkansas Primary (36)
 - o Kentucky Primary (45)
- May 29
 - o Texas Primary (155)
- June 5
 - o California Primary (172)
 - o Montana Primary (26)
 - o New Jersey Primary (50)
 - o New Mexico Primary (23)
 - o South Dakota Primary (28)
- June 26
 - o Utah Primary (40)

Justice Department Announces Agreement To Protect Wisconsin UOCAVA Voters

This is a press release from the Justice Department from March 23:

WASHINGTON – The Justice Department announced today (March 23) that it has reached an agreement with Wisconsin officials to help ensure that military service members, their family members and U.S. citizens living overseas have the opportunity to participate fully in Wisconsin's April 3, 2012, federal presidential primary election.

The agreement was filed at the same time as a lawsuit brought under the Uniformed and Overseas Citizens Absentee Voting Act (UOCAVA) and signed today by the federal district court in Madison, Wis. The suit alleges that the state failed to send absentee ballots to over 200 of Wisconsin's eligible military and overseas voters for the April 3, 2012, presidential primary election in sufficient time for those voters to receive, cast and return their ballots. The agreement provides additional time for receipt of absentee ballots to ensure eligible military and overseas voters, who requested ballots from one of the Wisconsin municipalities (at least 65) that sent ballots late, will have sufficient time to vote. Under the agreement, affected voters who have not yet received their ballots will also be offered the opportunity to receive their ballots electronically. "As this agreement demonstrates, we will remain steadfast in our efforts to ensure that members of our armed forces, their families and overseas citizens are offered a full and meaningful opportunity to vote in our nation's elections," said Thomas E. Perez, Assistant Attorney General for the Civil Rights Division. "I commend the Wisconsin Government Accountability Board and its executive director for working cooperatively with the department and agreeing to measures that will ensure Wisconsin's military and overseas voters will have a full opportunity to have their votes counted in the upcoming presidential primary election as well as in future federal elections."

"Service members make tremendous sacrifices for our nation," said John W. Vaudreuil, U.S. Attorney for the Western District of Wisconsin. "We are committed to

seeing that Wisconsin meets its obligations to ensure that military voters, as well as U.S. citizens who are overseas, are given the opportunity to cast a meaningful vote.”

UOCAVA requires states to allow uniformed service voters (serving both overseas and within the United States) and their families and overseas citizens to register to vote and to vote absentee for all elections for federal office. In 2009, Congress enacted the MOVE Act, which made broad amendments to UOCAVA. Among those changes was a requirement that states must transmit absentee ballots to voters covered under UOCAVA, by mail or electronically at the voter’s option, no later than 45 days before federal elections.

The agreement, which has been approved by the federal district court in Madison, also commits Wisconsin to closely monitor its municipalities’ UOCAVA compliance, provide assistance to its municipalities when necessary and report back to the United States about its UOCAVA compliance during the 2012 federal election cycle. In addition, the agreement requires Wisconsin to take steps to ensure compliance with UOCAVA in future federal elections and provide a report to the Department of Justice on those efforts.

More information about UOCAVA and other federal voting laws is available on the DOJ website at http://www.justice.gov/crt/about/vot/misc/activ_uoc.php.

Complaints may be reported to the Voting Section of the Justice Department’s Civil Rights Division at 1-800-253-3931.

Elections Website Update

You may have noticed some areas of the elections website for the Secretary of State’s office have changed. We are currently updating information and restructuring our division of the website to make it more accessible for county clerks’ offices and the public. So if you are utilizing a “favorite” saved link, you might find that a page is no longer there.

In this case please use <http://www.sos.wv.gov/elections/Pages/default.aspx> to navigate to the new page.

Some pages that are commonly used and may have changed are:

- **Motor Voter Surveys:** http://www.sos.wv.gov/elections/election-administrators-center/Pages/Motor_Voter.aspx
- **Historical Election Returns:**
<http://www.sos.wv.gov/elections/historyresource/electionreturns/Pages/default.aspx>
- **All online fillable forms:**
http://www.sos.wv.gov/elections/forms_center/Pages/default.aspx

If you have any issues finding information, then please call or email our office and we will make sure everything is posted correctly and direct you to where the new page is located.

Voting Emphasis Weeks

Later this year, a couple of weeks have been set aside to focus on a particular voting issue.

June 29-July 7, 2012 is Armed Forces and Overseas Citizens Voters Week. This is an effort to get these voters registered, emphasizing the FPCA and Voting Assistance Officers.

September 30-October 7, 2012 is Absentee Voting Week. This is an effort to encourage voters to return their voted ballots immediately or use the FWAB.

If you have any creative ideas on how to celebrate these weeks (such as workshops, media events, etc) we can work together on them. If there are any events in your area we could partner with you on to educate the uniformed service members, their families, and overseas citizens on the process of registering to vote and casting a ballot, please let us know.

Have an idea?

Is there something that you want to see addressed in the Election Connection? The goal of this newsletter is to keep everyone up to date about challenges facing election officials in West Virginia and to inform everyone about best practices that are being put into place. If you have an idea for a topic, have a question, or if you think there is a subject that election officials around the state would be interested in, please do not hesitate to contact the Secretary of State's Office. You can contact the Elections Division by email at elections@wvsos.com or (304) 558-6000 or Jake Glance directly at jglance@wvsos.com. Your input is appreciated.